FMS Foundation Newsletter

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Dear Friends,

"In sum, the literature on repression and recovered memory syndrome establishes that fundamental theoretical and practical issues remain to be resolved. These issues include the extent to which experimental psychological theories of amnesia apply to psychotherapy, the effect of repression on memory, the effect of screening devices in recall, the effect of suggestibility, the difference between forensic and therapeutic truth, and the extent to which memory restoration techniques lead to credible memories or confabulations. Opinions in this area simply cannot meet the "objective verifiability" element for extending the discovery rule."

Texas Supreme Court, S.V. v R.V. March 14, 1996

The Texas Supreme Court decision from which the above quote is taken is important, not only because it is at a state supreme court level, but more so because of the great care

with which the arguments are presented and explained. The FMS Foundation filed its first amicus brief in this case. We received the Texas decision in the same week as we received the Final Report of the American Psychological Association Working Group on the Investigation of Memories of Childhood Abuse which became available in March. In this document also great care was taken to present and explain the different positions. The APA report documents that the clinicians on the committee do not agree

with the scientists on the committee as to what is to be taken as scientific evidence nor on the specifics of memory. The Texas Supreme Court decision and the APA Final Report are discussed in detail in this newsletter because they are important reflections on the current state of the repressed memory debate. The clinicians on the APA group want to have special rules that apply for repressed memories of abuse. The Texas Supreme Court argues that rules of science and law must be consistent and apply to all topics.

The scientific memory research community extending far beyond the FMSF has stated clearly and unambiguously what is and what is not known scientifically about memory and what constitutes scientific evidence. That community has now stated in hundreds of scholarly articles what may legitimately be inferred and what may not be inferred from behaviors and symptoms and memories. We summarized those points in the March newsletter. The courts have taken that information and are making decisions according to legal standards of scientific evidence. The courts use the standards of science set forth by the US Supreme Court. These establish that to be admissible, a scientific theory should be (1) testable, (2) falsifiable, (3) capable of meeting peer review and (4) if involving a methodology or process, have a known rate of error. (See FMSF Newsletter, Legal Corner, July 1995). We expect that interest in the legal issues of recovered memories will peak next September when the retrial of George Franklin is scheduled to begin.

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Inside

Robbins 1
APA Final Report 3
Legal Corner 8
Make a Difference 14
From Our Readers 15

An indication of the the steady progress in the issues of concern to the Foundation can be seen in the desperation of some members of the mental health community who continue to respond with a smear campaign against the FMSF and members of the FMSF Scientific Advisory Board. In this issue as the last, we go into some depth about the smear for two reasons. First, it is important for readers to understand the process of smear tactics and who uses them. Second, because the internet has qualitatively changed the speed and nature of written communication, rumors spread at an incredible rate. It is important to provide the full story to people who may be confused by the rumors and innuendo.

While so much is happening at the professional level, most families tell us they are still struggling with very personal issues: with grief because of the loss of a child, with financial devastation caused by a lawsuit, with staying healthy under tremendous stress, with the anger of being falsely accused, with the shame that an accusation of sexual abuse brings, with guilt wondering what they might have

done wrong, with questions about how to reach a child who refuses to communicate or with the challenges of accepting a child back into the family. Former accusers tell us they are struggling with guilt, with loss of confidence in their own judgment, with trying to make amends and sometimes with trying to cope with the grief of having a parent die before they had an opportunity to tell that person of their love. Reports from parents and children who have begun the process of reconciliation, with or without retraction, tell us that the

resumption of communication is important. What can help in that process? One of the questions that many families and retractors have asked is whether mediation would be helpful. We hope that the following article about mediation by Susan Robbins will answer many of the questions families have asked the Foundation. We think it may also be helpful to professionals who wish to help families resolve their difficulties.

Pamela

Family Reconciliation Through Mediation

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As parents seek to reestablish contact with daughters and sons who have severed family ties due to "recovered" memories of childhood sexual abuse, many are turning to mediation as a potential method of family reconciliation. This article addresses some of the most commonly asked questions about mediation, in general, and family mediation, in particular.

What is Mediation?

Mediation is a process in which a neutral party (the mediator) assists people in conflict in communicating openly with each other for the purpose of coming to a

mutually agreeable resolution of their problems. When family members are involved in an emotional dispute, the mediator provides a neutral forum and ensures that each person will have the opportunity to speak and be listened to. Once communication barriers are removed, the mediator assists people in examining solutions that will help resolve their conflict.

What is Family Mediation?

In the purest sense, the term family mediation is self explanatory - it refers to mediation with families. General mediation training prepares most people to mediate disputes with a wide variety of clients, including families. However, the term "family mediation" is sometimes misleading because it is often used to denote divorce mediation. Many people who receive specialized training in divorce mediation refer to themselves as "family mediators" and their advanced training typically includes basic knowledge about child development and family law. Most family mediations (other than divorce, child custody or visitation)

can be done by a person who has received general mediation training and has experience in mediating with families. Family mediation can include any type of dispute including those arising out of family businesses

or relationships.

What Happens During A Mediation?

If everyone agrees to mediation, the mediator schedules a meeting with all parties involved and usually begins by explaining the rules of confidentiality and how the mediation will proceed. Each

family member is then given uninterrupted time to tell his or her side of the story. As each person takes turns in speaking, the mediator asks questions for clarification and facilitates discussion between family members. Once specific issues and problems are identified and prioritized, the mediator assists people in bargaining and negotiating so that family members develop trade-offs in order to get each of their needs met. When solutions are reached, a written agreement is signed by each person and the mediator.

In some cases people who refuse to meet with each other face-to-face will sometimes agree to what is called a "caucus" style mediation. In a caucus mediation, the mediator meets with each party separately, helps them identify and prioritize issues, and acts as an intermediary in bargaining and negotiating. This is accomplished by the mediator speaking with each party and bringing offers and counter-offers back and forth between the two until a mutually agreeable settlement is reached. Although most mediators prefer to meet directly with each person, a caucus mediation can also be done on the telephone if necessary.

Mediation is often helpful in resolving long-standing family disputes because mediated solutions are future oriented. Rather than focusing on guilt or innocence, mediation typically addresses issues such as: will there be future

contact between the parties?; if so, what type of contact?; how frequent?; under what conditions?; will grandparents be allowed visitation with their grandchildren?; how often?; and are certain topics "off limits"? Importantly, mediation involves people in the process of using their own problem solving skills to discover solutions that will work for them.

What Can FMS Families Gain From Mediation?

Many adults who have recovered memories of childhood abuse are finding that family mediation provides them with a safe forum to meet with their parents to discuss issues pertaining to possible future contact with family members, grandparents' visitation and, for some, family reconciliation.

Mediation provides accused parents with a nonthreatening way to begin to initiate contact with their daughters or sons who have refused to see them or speak to them. Many adults who have "recovered" memories have now started to doubt the accuracy and veracity of these memories. Despite these doubts, it is often difficult for them

to fully acknowledge that the memories might not be true. For many, it is especially difficult to face the pain that they have caused other family members. Likewise, family members often carry a burden of guilt in not knowing what they did wrong. Mediation provides the entire family with a safe forum in which they can re-initiate contact with each other and begin to negotiate terms of their future relationship as a family. Past events are only discussed if the entire family is willing.

A CHALLENGE TO MEDIATION

These are my needs for reconciliation and healing of the relationship with my father and mother. Restoration can happen only when this process is followed.

- 1. When the details of the abuse are reviewed it must be agreed that the abuse occurred.
- 2. My father must accept the complete responsibility of the abuse without excusing or blameshirting.
- 3. When past and current damage of the abuse is described, my father must evidence some grief and acknowledgement of harm.
- 4. My father must express a willingness to pursue the path of a new kind of relationship and seek additional help through church, counseling, seminars, or reading.

This allows family members to reunite on their own terms without having to immediately face issues of guilt or innocence.

How Do I Find A Qualified Mediator?

There is a great deal of variability from state to state regarding the educational and training criteria required for someone to become qualified in mediation. Because there is so much variation, it is advisable to find out the specific requirements in your state. As a general guideline, a mediator should have, at a minimum, 35-45 hours of formal training in general mediation. This training should include explicit content on professional ethics for mediators, the mediation process, and agreement writing.

There are several sources that you can turn to when looking for a qualified mediator. Many states have formal organizations for mediators and maintain listings of mediators certified in that state; the same is true for State Bar Associations. Most large cities throughout the U.S. also have dispute resolution centers that provide free or low cost mediation services. Many of these centers, however, are staffed by volunteer mediators with varying levels of experience.

Another resource can be found in the national and international organizations that maintain listings of mediation professionals. The Society of Professionals in Dispute Resolution can be reached at (202) 783-7277 or by EMail at SPIDR@spidr.org The Academy of Family Mediators can be reached at (503) 345-1205 and the Association of Family and Conciliation Courts at (608) 251-

In choosing a mediator I believe that although advanced training is sometimes helpful, it is more important that the mediator be able to remain truly neutral. It is critical that the mediator not bring her or his personal agenda or ideological beliefs into a mediation session. A mediator should never insist to either party that a specific solution must be followed (i.e. you should apologize; you should accept this apology). Although it is important for mediators to be able to help people "brainstorm" about solutions that they have not thought of, mediators should never impose their solutions on you.

How Much Does Mediation Cost?

Most mediators set their own fees and base them on an

hourly or daily rate. The national average is between \$100-200 per hour. Typically, attorney/mediators charge than other mediation professionals because their fees are often structured to be consistent with their legal fees. However, some attorney mediators may charge less for their mediation services. Mental health professionals typically charge between \$100-150 per hour.

You can expect to pay an initial fee, usually between \$35-100, for the mediator to open and set up your file. This fee sometimes includes all initial phone calls and correspondence between the parents, the mediator and the estranged child. Once it is determined that all parties agree to a mediation, you can expect to be charged by the hour (or day) for the actual mediation services. The amount of time and the number of sessions may vary widely, depending on the number and complexity of the issues to be addressed.

What Does A Mediator Need To Know About FMS?

Because the issues involved in FMS are extremely complex, it is helpful if the mediator is familiar with both sides of the recovered memory/false memory debate. However, the mediator should in no case take sides with either the parents or accusing child or try to determine whether or not the abuse actually occurred. Since the role of a mediator mandates neutrality, the mediator acts as an advocate for all parties in the mediation.

Readers may wish to read a recent article by Dr. Robbins about false memory issues in Families in Society. October 1995, Vol. 76, No. 8, "Wading through the muddy waters of recovered memory."

FINAL REPORT FROM THE AMERICAN PSYCHOLOGICAL ASSOCIATION WORKING GROUP ON THE INVESTIGATION OF MEMORIES OF CHILDHOOD ABUSE NOW AVAILABLE FMSF Staff

The Final Report of the APA Working Group on the Investigation of Memories of Childhood Abuse is now available through the American Psychological Association. (Contact: Paul Donnelly at APA (202-336-6055), email: pzd.apa@email.apa.org, 750 1st NE, Washington, DC 20002.)

This Final Report is a remarkable document and it is "must" reading by anyone who is interested in the methodology and the research base of both sides of the repressed memory debate. The report opens with the final conclusions of the Working Group:

1. Controversies regarding adult recollections should not be allowed to obscure the fact that child sexual abuse is a complex and pervasive problem in America that has historically gone unacknowledged.

> Most people who were sexually abused as children remember all or part of what happened to them.

3. It is possible for memories of abuse that have been forgotten for a long time to be remembered.

- 4. It is also possible to construct convincing pseudomemories for events that never occurred.
- There are gaps in our knowledge about the processes that lead to accurate and inaccurate recollections of childhood abuse.

The Working Group concluded that they differed markedly on the following issues of the conception of memory:

- (a) the constructive nature of memory and the accuracy with which any events can be remembered over extended delays;
- (b) the tentative mechanisms that may underlie delayed remembering;
- (c) the presumed "special" status of memories of traumatic events:
- (d) the relevance of the basic memory and developmental literatures for understanding the recall of stressful events;

(e) the rules of evidence by which we can test hypotheses about the consequences of trauma and the nature of remembering;

(f) the frequency with which pseudomemories may be created by suggestion, both within and outside of ther-

(g) the ease with which, in the absence of external corroborative evidence, "real" and pseudomemories may be distinguished.

Before therapy

Dear Dad.

But - you know what? I can't seem to find anybody as good as you yet! I suppose if I did, I'd marry him and I'm not ready yet, but either the guy isn't as honest as you or they're too harsh or not aggressive enough, not as ambitious or not as down-toearth and child-like. You are such a tremendous man!

Love "T"

After therapy

Dear Dad.

Dad, when are you going to truly humble yourself, get real honest with yourself, and, from the depth of humility and heart, REPENT of all the evil you have done? When are you going to repent and truly get right with God? And you have done PLENTY of evil-to my mom, to all us kinds, to others. You've done stuff we don't even know about - and you know it.

Love always "T"

This is followed in tennis-match fashion by the arguments and research evidence of each group in the following sections:

- SYMPTOMATIC CLIENTS AND MEMORIES OF CHILD-HOOD ABUSE: WHAT THE TRAUMA AND CHILD SEXUAL ABUSE LITERATURE TELLS US (Alpert, Brown, Courtois).
- REPLY TO THE ALPERT, BROWN AND COURTOIS DOCU-MENT: THE SCIENCE OF MEMORY AND THE PRACTICE OF PSYCHOTHERAPY (Ornstein, Ceci, Loftus)
- THE POLITICS OF MEMORY: A RESPONSE TO ORNSTEIN, CECI AND LOFTUS (Alpert, Brown, Courtois).
- ADULT RECOLLECTIONS OF CHILDHOOD ABUSE: COGNITIVE AND DEVELOPMENTAL PERSPECTIVES (Ornstein, Ceci, Loftus)
- RESPONSE TO "ADULT RECOLLECTIONS OF CHILD-HOOD ABUSE: COGNITIVE AND DEVELOPMENTAL PER-SPECTIVES" (Alpert, Brown, Courtois)
- MORE ON THE REPRESSED MEMORY DEBATE: A REJOINDER TO ALPERT, BROWN AND COURTOIS (Ornstein, Ceci, Loftus).

FMSF Comment on this Report:

The three clinical members of the Working Group insist throughout the Final Report that "recovered memory therapy" (RMT) is not standard therapy but "exemplary only of what good therapy is not." They repeatedly complain that the three research members of the Working Group gave "the impression" that:

"...most clinicians working with adults who allege abuse conduct treatment that is suggestive, leading, and almost exclusively focused on the retrieval of memory to the exclusion of other therapeutic tasks. For example, the statement is made that the task of some therapeutic orientations is the 'hunt for the missing memory.' We suggest that this position is due to the misapplication and overgeneralization of material from the lay literature for abuse survivors to all psychotherapists, whatever their level of training and technique...[The researchers] cite only one source on the treatment of adults who allege a

history of sexual abuse (e.g. Fredrickson 1992) a book that advocates an extreme position that is at odds with the more mainstream literature." (page 204)

We applaud the clinicians for taking the opportunity to distance themselves from Fredrickson. Her book, the very title of which identifies repressed memories as "a Journey to Recovery from Sexual Abuse" is nothing less than a manual for RMT (Fredrickson's term for RMT is "Memory Recovery Work"). It's a pity that the Working Group didn't

take the opportunity to go on record about some of the other widely used RMT manuals. The most infamous of these is, of course, The Courage to Heal. Just a year ago, at a conference at the Kansas University Medical College, the clinical chair of the Working Group, Judith Alpert, publicly criticized one of the researcher members of the Working Group, Elizabeth Loftus, for using it as an example. Dr. Alpert's point then was that The Courage to Heal is just a "pop psychology" book. Perhaps so, but it is the single most highly recommended book by therapists (according to "The Guide to Self-Help Books" published by Guilford Press in 1993). What an opportunity was lost: if this most-used RMT manual is, in fact, just "pop psychology" why shouldn't the APA go on record?

But not all RMT manuals are in the "lay literature." The American Psychological Association, itself, published one of them: Lenore E.A. Walker's Abused Women and Survivor Therapy: A practical guide for the psychotherapist, complete with a foreword by Working Group clinician

member Laura Brown. It includes a section on hypnosis in which it is reported with apparent approval that "Hypnosis is often used as an adjunct to verbal therapy in order to gain access to buried memories, particularly buried memories of incest and other early abuse." (p.425) Most disturbing in this APA publication is its endorsement of check-lists. On page 113 Walker endorses and gives her own version of the infamous Blume checklist. Thus the APA finds itself selling a book—not as part of "the lay literature for abuse survivors" but as "A practical guide for the psychotherapist"—which endorses one of the most infamous of the RMT manuals, Secret Survivors: Uncovering Incest and its Aftereffects in Women by E. Sue Blume. This is the book that starts out not with a title page but with

What's in a word-I: Not fierce or robust but massive.

"We note, for the record, that the concept of 'fierce' or 'robust' repression is an invention of members of the False Memory Syndrome Foundation's scientific and professional advisory board, and not generally accepted terminology. It is certainly not a concept that we have ever encountered in the scholarly literature on repression, nor do we believe that this concept has informed clinical descriptions of possible recovered memories for trauma."

Judith L. Alpert, Laura S. Brown, Christine A. Courtois in *The Politics of Memory: A Response to Ornstein, Ceci and Loftus*, part of the *Final Report* of the Working Group on Investigation of Memories of Childhood Abuse, 1996

"Massive repression seems to be the main defensive operation available to very young children and/or the violently abused."

Christine A. Courtois in *Healing the Incest Wound: Adult Survivors in Therapy*, Norton, 1988.

The Incest Survivors' Aftereffects Checklist

Do you find many characteristics of yourself on this list? If you do, you could be a survivor of incest.

On the first page of the introduction the reader is told that most "incest survivors do not know that the abuse has ever occurred!...Most survivors need many years, and often many therapists, before they can face the truths of their past." On the second page: "it is not unlikely that more than half of all women are survivors of childhood sexual trauma." And on the third page: "Through the Incest Survivors' Aftereffects Checklist, numerous incest survivors have finally been able to piece together the disjointed fragments of their lives: difficult though it is to face that one is an incest survivor, this is the first step in ending con-

fusion and finding a direction for healing." (For the complete list of "aftereffects"-ranging from alcohol abstinence to baggy clothing—see the February, 1995 FMSF Newslet-

As embarrassing as the Walker and Blume books are to the clinicians, consider the following:

"Should the woman deny knowledge of abuse despite indication to the contrary, the therapist can gently probe, suggesting that the symptoms she has described are sometimes related to a history of abuse. The therapist might also describe what constitutes incest. At times, therapist and client will conclude that incest occurred even without conscious validation or memory on the part of the client....Hypnosis can assist in the recapturing of lost memories...Hypnosis can be used to assist in bringing material to consciousness...Participation in an incest therapy group usually stimulates the memory recovery as members 'chain' from each other's experience.

These embarrassing words are to be found in Healing the Wound: Adult Survivors in Therapy, Norton, 1988. The author is Christine Courtois who claimed with her two fellow clinicians in the Final Report:

> "Psychotherapy can be substandard, as can research. Asking a patient without abuse memories to picture some kind of abuse or suggesting abuse as the sole explanation for a patient's symptoms are examples of substandard treatment." (page 199)

1988 is the publication date for both the Blume and the Courtois books. One may

argue that eight years is a long time ago and that it's possible for people to see the error of their former ways. These early books may be embarrassing to the clinicians' cause but not fatal. All they have to do, after all, is point out how much they've learned since then and go on record about the value of such RMT manuals. More embarrassing is the more recent APA publication of the Walker book. But most embarrassing of all is a publication just two years ago by the clinician/chair of the Working Party, Judith Alpert. It appeared in the Psychoanalytic Review, 81(2) Summer, 1994 under the title, "Analytic Reconstruction in the Treatment of an Incest Survivor." It documents Alpert's treatment of a patient she calls Mary, which treatment began as follows:

"Her concerned ex-boyfriend consulted a psychologist. When the psychologist heard about Mary's symptoms, he suggested that Mary was an incest victim. Apparently quite fortuitously, her ex-boyfriend had consulted with a specialist in sexual

abuse. After reading an article the psychologist gave Mary's boyfriend, Mary reported she knew she was a victim of father-daughter incest It was then that her chronic symptoms became acute. She immediately searched for a clinician who specialized in sexual abuse. Thus, at the onset of treatment, Mary was convinced that she was an incest victim although she had no available memory of sexual abuse by her father."

What was the phrase? " ... suggesting abuse as the sole explanation for a patient's symptoms [is an] example of substandard treatment."

Judith Alpert and her two fellow clinicians were able. in the Final Report, to criticize the research members for ignoring the many clinicians who "...advocate for treatment oriented to the symptom management and stabilization of the patient and the enhancement of ego strength and personal resilience prior to or in lieu of work on available

Alpert tells us that in the case of Mary the "focus" of the first eight months of Mary's "… treatment recovering, reconstructing, and reintegrating tragic memories with their associated affects. During those initial eight months, I saw 25-year-old

Mary two times a week."

been

and/or retrieved memories." (page 205) But the same Judith

Alpert would seem to agree that the historical reality of incest is of importance: "Did the events occur as they have retrospectively reconstructed? This question can be asked following any analysis. It is particularly relevant to retrospective incest victims with complete or almost complete amnesia for the abuse experience."

What's in a word- Π : Not archeological but buried deep.

"We are fully aware...that there exist a number of poorly-informed therapists, untrained lay counselors, and self-help books whose authors endorse an archeological strategy, which we have ourselves criticized."

Judith L. Alpert, Laura S. Brown, Christine A. Courtois in The Politics of Memory: A Response to Ornstein, Ceci and Loftus, part of the Final Report of the Working Group on Investigation of Memories of Childhood Abuse, 1996

"The analyst's intent is not to create something new but to attempt to bring out the past that is buried deep in the present.

Judith L. Alpert in Analytic Reconstruction in the Treatment of an Incest Survivor Psychoanalytic Review, 81(2) Summer, 1994

> So how did Alpert verify her theory about the origin of Mary's problems? "I am convinced that she is an incest survivor. This conviction is based on the criss-crossing of validation from numerous sources: the content and manner of her defenses, the reoccurrence in nightmare after nightmare

There is a bit of a mystery concerning how many therapists Mary had consulted. On page 219 Alpert writes "She had no prior treatment." But by page 230 Alpert can write "There were ... "tests' in the course of treatment, unconsciously designed to determine if I would abandon her as her mother had. In fact, the first such test occurred in our first session, and my 'passing' it was one of the major reasons she chose me for an analyst. The test involved her telling me, as Mary had told her mother, that her father had merely kissed her on the lips at age 17. The analysts [sic] who accepted the merely were experienced as abandoning her." There is no other explanation of the "analysts" who had previously failed the test.

of the traumatic events, the fragments of memory, the repetition of the abuse in her life patterns, and the transference that took place. All of these indicated the reality of some experience that was being worked on in the unconscious, and all of these repetitive representations and fragments of memory pointed to the accuracy of the narrative, as it unfolded. While the abuse may not have taken place exactly as it has been woven in the analytic situation, the network of convergence from many lines convinces me that it is a reconstruction in the arena of historical truth, capturing the core of reality."

"Numerous sources" - Alpert mentions, in fact, only one source: what she heard from her very disturbed patient. Look at Alpert's words: "validation from numerous sources...the reality of experience...the accuracy of the narrative...the network of convergence from many lines...the arena of historical truth...the core of reality."

In the Final Conclusions the working group writes: "Many of the difficulties that we have encountered in attempting to achieve consensus reflect profound epistemological differences...If we are to go forward toward the promotion of clinical practice that is truly rooted in psychological science, some steps must be taken to resolve these epistemological differences." Indeed.

MORE SMEAR FMSF Staff

The willingness to accept something as fact based solely on belief — without further verification — is a hall-mark of what has been called the "false memory syndrome phenomenon." Last month, we reported on the smear printed by the *Toronto Star* that led readers to assume that Elizabeth Loftus resigned from the American Psychological Association in order to avoid responding to some ethical complaints. We noted that Dr. Loftus wrote to the APA and expressed her willingness to deal with these complaints that she knew nothing about. The APA explained that:

"...With very few exceptions, it is only when it is determined that a formal case shall be opened or that a preliminary investigation is begun, that the member is regarded as being 'under the scrutiny' of the Ethics committee and the member complainee is barred from resigning."

In other words, when Elizabeth Loftus resigned from the American Psychological Association there were no formal ethics investigations pending, nor were there even any preliminary investigations. Further, the

SPECIAL THANKS

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APA does not acknowledge whether or not specific complaints have even been filed.

But that does not stop the "smearers." In an article published in David Calof's journal, *Treating Abuse Today*,² we learn who made the complaints and what they are about. This article has also been disseminated over the internet. One of the people who volunteered that she has complained about Dr. Loftus is Jennifer Hoult who won a \$500,000 judgment against her father. Ms. Hoult complains that Dr. Loftus misrepresented her in an article that Loftus wrote.³ According to *Treating Abuse Today*:

[Ms Hoult] "pointed out that Loftus claims that 'Jennifer was a 23-year-old musician who recovered memories in therapy of her father raping her from the time she was 4 ...Actually, Hoult began to remember the abuse at 24, at which time she was an artificial intelligence software engineer. Records in the case show that the bulk of her memories emerged outside of therapy. Furthermore, Hoult never stated that the rapes began when she was four, a 'fact' apparently created by Loftus for the purposes of her article."

Following is the passage Ms. Hoult complains about.

"Some writers have offered individual cases as proof that a stream of traumas can be massively repressed. Readers must beware that these case "proofs" may leave out critical information. Consider the supposedly ironclad case of Jennifer H. offered by Kandel and Kandel (1994) to readers of *Discover* magazine as an example of a corroborated de-repressed memory. According to the *Discover* account, Jennifer was a 23-year-old musician who recovered memories in therapy of her father raping her from the time she was 4 until she was 17..." (Kandel & Kandel, 1994 (May) "Flights of Memory," *Discover* pp 32-37)

In other words, the details that Ms. Hoult questions were published in *Discover* magazine, an article that cited her case as evidence for corroborated recovered repressed memories

Treating Abuse Today says Ms Hoult also disputes:

"In another passage, Loftus claims that Hoult 'remembered one time when she was raped in the bathroom and went to her mother wrapped in a towel with blood dripping' (1995, p.27). A review of court records, however, shows that Loftus has added two elements of her own making: the memory of the rape itself (the trial transcript shows that Hoult never claimed to remember a 'rape') and the blood-soaked towel (again the transcript shows that Hoult only reported a small amount of blood between her legs, which wasn't visible to the mother until Hoult dropped the towel from around her body). Hoult argues that these misstatements by Loftus put her in violation of several APA ethics guidelines, among them ethics in media presentations and ethics regard-

 [&]quot;Notes from the Controversy," Treating Abuse Today,
 Vol 5 no 6 & Vol 6 No 1 (double issue, Nov-Dec & Jan-Feb).

 [&]quot;Remembering Dangerously," Skeptical Inquirer, March/April 1995.

ing matters of law."

If Ms. Hoult never claimed to have been raped, it's remarkable how many think she did. For example in Newsday, November 28, 1993 an article by Kessler began:

"In another era, therapy might not have helped Jennifer Hoult recover memories of being raped by her father -- memories that led her to believe he raped her as many as 3,000 times between the ages of 6 and 16." p. 5

As for the blood soaked towel, we have no idea where Treating Abuse Today thinks that was written. Loftus wrote, "remembered one time when she was raped in the bathroom and went to her mother wrapped in a towel with blood dripping." Loftus does not refer to a "blood-soaked towel." Treating Abuse Today introduced "blood-soaked towel."

Treating Abuse Today informed us that the second person who said she had complained about Dr. Loftus to APA is Lynne Crook who was awarded \$149,580 by a judge in a civil suit against her father. Ms. Crook is apparently upset with a quote that appeared in the January/February 1995 issue of Psychology Today in an article by Jill Neimark called, "It's Magical. It's Malleable. It's...Memory." We will not comment on this since it is our understanding that it will be addressed in a future issue of *Psychology Today*.

We repeat what we have said many time before: those who cannot argue on the merits of the issues resort to smear.

CORROBORATE REPRESSED MEMORIES Clinical Psychology News, January 1996

The American Academy of Psychiatry and the Law Ad Hoc Committee on Adult Delayed Recall has prepared some recommendations. The author of the article, Bruce Jancin, notes that "solid scientific evidence demonstrates that in the absence of third-party corroboration, there is no reliable way to tell real memory from the product of sugges-

tion." He notes that forensic psychiatrists need to look for as much evidence as they can find such as medical, police, school and/or therapist records from the time of the alleged abuse. He notes also that diaries, journals, employment histories and prior litigation records may be helpful as well as interviews with acquaintances. The committee also recommended that:

 The use of hypnotism, amobarbitol-assisted interviews, or experiential techniques to recover previously buried traumatic memories should be viewed as precluding subsequent litigation. Carefully controlled psychological studies have shown it's all too easy for therapists using these techniques to implant suggestions that result in elaborate, believable, but false memories.

- Patterns of current symptoms cannot legitimately be used as evidence for the truth of a memory.
- The forensic evaluator should not be the same person doing the therapy. The evaluator should look for possible contaminating influences within the therapy as expressed in the therapist's bias, ideology, and techniques.
- The litigant's current psychiatric status should be thoroughly assessed through clinical interviews and standardized scales measuring symptoms, functioning, hypnotic suggestibility, and dissociability. Nonspecific terms such as 'sexual abuse syndrome" are not acceptable.
- The memories at issue should be subjected to close scrutiny. It is particularly helpful to document how the memories evolved over time.

LEGISLATIVE EFFORTS

MISSOURI According to the St Louis Post-Dispatch Feb 5, 1996 there is a bill pending in the Legislature to extend the statute of limitation in sexual-abuse cases involving young people to 50 years from the current limit of 10 years.

NEW JERSEY has ended the statute of limitations in sexual assault cases. All sexual assault and aggravated sexual assault are now added to the list of homicide and manslaughter for which prosecutions can be started anytime.

RECENT ARTICLE OF INTEREST

What do infants recall of their lives? Memory for specific events by one- to two-year-olds, Patricia J. Bauer, University of Minnesota American Psychologist, 51 (1) pp 29-41, January 1996 An outstanding summary of child memory research. Author notes "Although it now is apparent that young children form specific episodic memories, there is little evidence that these memories survive the transition from infancy to early childhood and become

> integrated into the presumably later developing autobiographical or personal memory system."

> Culture and the politics of signification: The case of child sexual abuse.Katherine Beckett, U of pp 57-76. For those interested in the impact of FMSF on the media discourse of issues of child sexual abuse. The author presents an analysis of the changing image of child sexual abuse from the 1980s.

Michigan, Dept of Sociology, Social Problems, Vol.43(1) February 1996,

Terence Campbell, Ph.D., a member of the

CONTINUING EDUCATION PROGRAM SLATED FOR

PHILADELPHIA ON MAY 17

Foundations's Professional and Advisory Board, is the featured presenter at a continuing education program, "Appropriate Standards of Care in Working with Memories." Psychologists can earn seven continuing education credits and application has been made for ED credit for social workers. The program will be held in Stiteler B21 on the University of Pennsylvania campus. Members, who register by May 10, pay the reduced \$60.00 fee (non-members \$80.000. For registrations received after May 10, member's fee is \$75.00 (non-members \$95.00). If you want a brochure, call the Foundation at 215-387-8663 (or 900-568-8882). Please specify that you want a brochure and leave your full name and a complete address including zip code.

FMSF/JOHNS HOPKINS CONFERENCES SCHEDULED FOR BOSTON AND CHICAGO ARE CANCELLED

due to low preregistration.

August Piper's mail box is overflowing with responses to his last two columns. Keep a watch for this hot correspondence in May.

LEGAL CORNER

FMSF Staff

Texas Supreme Court Bars Action of Daughter Against Father Based on Recovery of Repressed Memories (<u>S.V. v. R.V</u>., __S.W.2d _ ___ (Tex. 1996), Petition No. 94--856, decided March 14, 1996)

In a precedent-setting decision, 8 of the 9 justices of the Texas Supreme Court reversed the judgment of the court of appeals, and held that a daughter's action against her father, based on a recovery of repressed memories, was barred. The court held that the discovery rule did not extend the statute of limitations because "there was no physical evidence in this case to satisfy the element of objective

verifiability for application of the discovery rule."

Due to the legal significance of this exhaustive, wellwritten opinion and because the Foundation has been following this particular litigation since its inception at the trial level, our legal staff felt it appropriate to provide our readers with an in-depth synopsis of the holding. The case is persuasive authority which can be cited by attorneys throughout the country. The court decided, due to the sensitive nature of the allegations, to refer to the parties only by initials, R. being the accusing daughter and S. the defendant father.

In a nutshell, the Texas Supreme Court's holding was that the discovery rule did not save R.'s cause of action from being barred by the statute of limitations. In order for the discovery rule to apply, R.'s claim must have been (1) inherently undiscoverable within the limitations period and (2) objectively verifiable. Because of the procedural posture of the case at the appellate level, the court assumed, but did not decide, that R. could satisfy the undiscoverability element for application of the rule. The court, therefore, focused on the second element of objective verifiability and after a review of much of the current scientific literature on the issue concluded:

"In sum, the literature on repression and recovered memory syndrome establishes that fundamental theoretical and practical issues remain to be resolved. These issues include the extent to which experimental psychological theories of amnesia apply to psychotherapy, the effect of repression on memory, the effect of screening devices in recall, the effect of suggestibility, the difference between forensic and therapeutic truth, and the extent to which memory restoration techniques lead to credible memories or confabulations. Opinions in this area simply cannot meet the "objective verifiability" element for extending the discovery rule." (emphasis added)

At the trial level, S. won with a directed verdict on the grounds that the discovery rule does not apply and that R. offered no objective evidence to support her claim of abuse. This means that at trial, immediately after R., the plaintiff, presented her evidence, the judge held in favor of S. and dismissed the case. It never reached consideration by the jury. However, the record indicates that R. presented expert testimony that some traumas are by nature impossible to recall for a time. Accordingly, since that testimony was unrebutted at trial the appellate court had to assume its truth. Nonetheless, the supreme court points out clearly in its opinion that it did not decide that element of the case.

The case then progressed to the Texas Court of Appeals which, by a divided vote, reversed the judgment of the trial court and remanded the case for further proceedings. In its brief opinion, that court wrote that the application of the discovery rule was controlled by its en banc decision two months earlier in L.C. v. A.D., No. 05-92-02867-CV, 1994 WL 59968 (Tex. App.-Dallas March 1, 1994, n.w.h.). (A motion for rehearing in <u>L.C.</u> is still pending before the Dallas Court of Appeals.)

S. then sought and was granted a review of this case of first impression by the Texas Supreme Court. (The Foundation supported S. in the appeal by filing an amicus curiae brief on his behalf.) The supreme court's majority opinion addresses six areas: (1) an analysis of Texas discovery rule jurisprudence; (2) a recitation of the relevant facts; (3) a review of the court of appeals' interpretation of the discovery rule in L.C.; (4) a summary of the scientific literature on repressed memories; (5) a comparison of case law and enacted statutes of other jurisdictions; and (6) a critique of the dissenting and concurring opinions. Each of these areas, we believe, deserves some brief comment.

Regarding the statute of limitations, the supreme court emphasized its purpose (to establish a point of repose and to terminate stale claims) and made clear that enactments of such statutes are the prerogative of the legislature. These statutes begin to run when a cause of action accrues, that is, when the wrongful act occurs. They require a case to be brought to court within a specific period of time. However, if a person is injured without being aware of his injuries, the discovery rule permits a filing beyond the normal limitations period. The court clarified that in Texas there are two types of cases in which the discovery rule can be invoked, (1) those cases involving fraud and fraudulent concealment and (2) cases in which the nature of the injury is inherently undiscoverable and the evidence of injury is objectively verifiable. Referring to one of its earlier decision, Robinson v. Weaver, 550 S.W.2d 18 (Tex. 1997), the court concluded that expert testimony alone could not supply the objective verification necessary for application of the discovery rule.

In addressing the facts pertaining to the litigation between R. and S., the court noted that R.'s claim was for negligence rather than for an intentional tort and presumed that this could be to obtain coverage available under S.'s homeowners' insurance policy. The decision summarizes the backgrounds and relationships of the parties as well as the circumstances under which R.'s memories of childhood abuse developed. In 1990 R.'s parents separated and in May of 1990 R.'s mother shared with R. that she, the mother, had been abused as a child. Two weeks later R. saw Alice Frazier, a licensed professional counselor whom the mother had also been seeing for some time. R. testified that in November of 1990, just after she turned 20, she had her first image of incest. Three months later, R. intervened in the divorce action between S. and his wife. She claimed that she had repressed memories of sexual abuse by her father from ages 3-20. The allegation of abuse at age 20 was not included in R.'s allegations of the present case.

R. had an admitted interest in incest, writing papers on

the subject in both high school and her freshman year of college. The court concluded its review of the facts by noting that "Before she entered therapy, R. had no memories of abuse. She recovered her memories with Frazier, a licensed therapist who was not a specialist in memory. Some of Frazier's views may have influenced R.: Frazier had never had a patient make an untrue allegation of childhood abuse, did not know of an instance when anyone had made such an untrue allegation, and did not think it could happen; she felt it was not her role to question the veracity of R.'s memories; she accepted the idea that R. could recover memories from around age three; and she had already found that R.'s mother had been the victim of childhood sexual abuse. In addition to Frazier's possible confirmatory bias, her technique to recover memories may have increased R.'s suggestibility." The court opined that Frazier's use of such techniques as "imagery work" or free association, "guided imagery," and interpretation of R.'s "body memories" may have influenced R. "The record does not show that other possible causes were sufficiently explored. Other possible influences on or sources of R.'s recovered memories include: B.'s detailing of her own abuse, R.'s research on incest, her anger with her father, and Frazier's comment that R.'s relationship with a boyfriend 'sounded like incest' to her.

When the supreme court reviewed the decision in <u>L.C.</u>, it determined that the decision of the court of appeals in that case was not entirely clear. While 8 of the 13 justices would apply the discovery rule in childhood sexual abuse cases, 10 of the justices would require objective evidence of abuse before applying it and 7 would not recognize expert testimony as objective evidence. The supreme court also wrote that the balancing test formulated by the court of appeals to apply the discovery rule - weighing the availability of objective evidence against the injustice of requiring suit to be filed before injury is discovered - did not correctly state Texas law. As previously stated, the Texas Supreme Court held that the correct test is "inherently undiscoverable and objectively verifiable."

The court devotes a full 10 pages of its decision to a discussion of the current scientific literature on memory in general and recovered memory in particular. The court stated that while "there is some agreement among psychiatrists concerning psychiatric treatment in this area, there is little agreement on the validity of recovered memories or on the techniques used to retrieve them." Researchers and therapists view the question of repressed memory from disparate vantage points, and with strong disagreements about the phenomena. The decision, citing specific medical articles throughout, touches on the complexities of memory and the theory of repression and concludes that "science has simply not evolved to the point that it can give definite guidance in determining whether childhood sexual abuse has occurred in a particular instance."

The court comments that "recovered memories come to be regarded as true for a variety of reasons. Therapists who expect to find abuse often do." The court then evenhandedly writes:

"In short, the preconceptions of the therapist, the suggestibility of the patient, the aleatory nature of memory recall, and the need to find a clear culprit for

a diffuse set of symptoms may lead to false memories. Or they may not. Even assuming the reliability of all the studies and reports on the theory and techniques underlying recovered memory, the possibility of confabulation still exists. But it does not always occur. The point is this: the scientific community has not reached consensus on how to gauge the truth or falsity of "recovered" memories....To rely on memories alone for objective verification, this gauge [objective verification] is necessary. For purposes of applying the discovery rule, expert testimony on subjects about which there is no settled scientific view - indeed, not even a majority scientific view - cannot provide objective verification of abuse."

The court also contrasts examples of objective evidence, such as a confession, with the supporting evidence presented by R.: expert testimony regarding R.'s symptoms and behavioral traits. The court held the latter "inconclusive" and noted that "there is no physical or other evidence in this case to satisfy the element of objective verifiability for application of the discovery rule." The court specifically stated that "The discovery rule is an exception, and a narrow one at that....Because plaintiff relies on the discovery rule, the evidence must rise to a higher level of proof."

The Texas Supreme Court examined the case law and statutes of all of her sister states on this issue of whether to apply the discovery rule in childhood sexual abuse cases and concluded that the case law of other jurisdictions is a "confusing patchwork that does not seem to indicate any overwhelming trend." The trend in case law is "simply too small, contradictory and intermixed with legislative initiative to provide clear guidance as to the rule a court should adopt." Dozens of cases previously reported in our newsletter are cited in the decision. Likewise, although the legislatures have been far more active in addressing the problem, newly-emerging complexity of legislation indicates that categorically adopting or rejecting the discovery rule does not address the "welter of public policies surrounding late-filed childhood sexual abuse claims." The court also notes that the Texas legislature recently enacted a special statute of limitations for civil actions of sexual abuse which extends the filing period from 2 years to 5 years. Since the law did not prescribe an application of the discovery rule, the court assumed that the legislature did not intend for sexual abuse to be treated any differently from any other case in applying the discovery rule. In all other discovery rule cases, the injury must be objectively verifi-

The majority took the position that the opinions of the concurring justices mistakenly take up the debate over the admissibility of scientific evidence under the United States Supreme Court's decision in Daubert v. Merrell Dow Pharmaceuticals, Inc., 125 L.Ed.2d 469 (1993) and its adoption in Texas in E.J. duPont de Memours and Company v. Robinson, ___S.W.2d ___ (Tex. 1995). The majority found that these issues had not been raised within the framework of this case. The majority also sharply attacks the position of the dissenting justice who wrote that the discovery rule should apply when "there is direct testimony from the

victim, supported by the opinions of reputable, experienced specialists that [the victim] has been sexually abused and that she exhibits traits and behavior associated with sexual abuse." The majority was highly critical of vesting such power in an expert. To do so would bar no claim of sexual abuse as long as a competent expert thinks it may have merit.

The court summed up its opinion in the following way: We do not, of course, impose any additional requirements on proof of a childhood sexual abuse case brought within the applicable limitations period. The objective verifiability requirement of the discovery rule does not apply in proving the case on the merits. Nor are we insensitive to the terrible wrong of childhood sexual abuse and the strong public policies condemning it as reflected in the criminal statutes. False accusations of abuse are equally devastating to families, however. As several state legislatures have already realized, the law must approach these difficult cases with an appreciation of all the interests affected. We believe the best approach is to apply the discovery rule in the same manner that we have applied it today in Computer Associates (Computer Associates International, Inc., v. Altai, Inc., 1996 Tex. LEXIS 29 (March 14, 1996))* and would apply it in any other case.

Decision is available as FMSF pub # 840.

*This is another case with the same legal issue on which the Texas Supreme Court made a decision on the same day.

Pennsylvania Superior Court Applies Objective "Reasonable Diligence" Standard and Finds Repressed Memory Claim Time-Barred <u>Dalrymple v. Brown</u>, Superior Court of Pennsylvania, 1628 Philadelphia 1995 (J.A52010/1995)
February 21, 1996.

A Pennsylvania Superior Court recently concluded that the "discovery rule" does not operate to toll the statute of limitations when a plaintiff claims psychological repression of alleged sexual abuse. The Superior Court of Pennsylvania affirmed summary judgment granted by the Court of Common Pleas in this repressed memory case. Plaintiff, age 34, had claimed sexual assault between ages 6 and 8 while she went on vacation with defendant's family. She claims that she had repressed all memories of the incidents until August 1990. Defendants' family state she never went on vacation with them. Suit was filed in December 1992.

The court held, citing Seto v. Willits, 432 Pa. Super. 346 (1994), that the discovery rule permits tolling only where a "reasonable and mentally competent person in the plaintiff's position would have been unaware of the salient facts." The person who wishes to assert a claim has a "duty to use all reasonable diligence" to discover all facts on which their claim might be based and to file a suit within the statutory period. The court held that in applying the discovery rule, the objective standard of "reasonable diligence" is to apply.

Decision is available as FMSF publication #839.

Decision of Wisconsin Supreme Court stands as U.S. Supreme Court Declines to Review Appeal in Repressed Memory Case

On February 20, 1996, the U.S. Supreme Court declined to review an appeal of a decision by the Wisconsin Supreme Court in a "Type 1 memory case." Therefore, the June 22, 1995 ruling of the Wisconsin Supreme Court stands (Pritzlaff v. Archdiocese of Milwaukee, 194 Wis.2d 303, 533 N.W.2d 780 (Wis, 1995).

The Wisconsin Supreme Court had found the claim time-barred because Pritzlaff knew of all the elements of her claim at the very latest by the time the relationship between the two ended. In this case, plaintiff, by her own admission, knew the identity of the defendant and of the sexual relationship during her high school years. She claimed, however, that she did not perceive the connection between her emotional difficulties and a coercive sexual relationship with a Roman Catholic priest until April 1992,

some 27 years after the alleged events.

The court, restating its ruling in Hansen v. Robins, Inc., 113 Wis.2d 550 (1983), emphasized that "the discovery rule will apply only when allowing meritorious claims outweighs the threat of stale or fraudulent actions....Any time a claim is raised many years after the injury occurred, the potential for fraud is exacerbated." The court noted that in most cases where the discovery rule has been applied, such as medical malpractice claims or environmental injury claims, the plaintiff suffered from physical symptoms which could be objectively observed and traced back to a particular cause associated with defendant's action. The court noted that the damages alleged by Pritzlaff were all 'emotional' and 'psychological', with the plaintiff's experts claiming that damage exists and was caused by the defendant. The court expressed its concern over whether psychiatry could prove the issues before the court and that even careful cross-examination was unlikely to reveal the truth. (citing Steele v. State, 97 Wis.2d 72, 97, 294 N.W.2d 2 (1980).

Two dissenting justices said it was improper to decide the truth of the plaintiff's allegations on a motion to dismiss rather than at trial.

LEGAL UPDATES

Date of Franklin Retrial Has Been Set: Retrial of George Franklin on murder charges has been set for September 16, 1996. The San Mateo County court has appointed Douglas Horngrad as the defense attorney for George Franklin. According to the San Mateo Times, Judge Lawrence Stevens will set a maximum amount which the County will pay for defense attorney and expert witness costs.

The defense has presented a motion which seeks to disqualify the San Mateo County district attorney's office from retrying Franklin for murder. They argue that two main prosecutors and an investigator became too closely involved with Franklin's daughter, Eileen Franklin-Lipsker, to be objective. Franklin's daughter claimed to have recovered memories of the murder of her childhood friend decades earlier. Prosecutor Elaine Tipton invited Franklin-Lipsker to her wedding and they have gone shopping and to

Mass together, according to the motion. Prosecution investigator, Robert Morse, is said to have been a paid bodyguard for Franklin-Lipsker during her book tour and also advised her on her book and movie deals.

Two prosecutors in the case are currently being investigated by the state Bar Association on charges of

violating George Franklin's civil rights.

A defense motion detailed Franklin-Lipsker's "memories" of additional murders by her father. Police investigation had ruled out Franklin as the murderer in at least one murder. The motion noted, with regard to another memory of Eileen's that "the prosecution has been unable to identify any missing person that might correspond to the recollected murder of Eileen's." The defense motion called the allegations of additional murders "irrefutable evidence that Eileen Franklin's 'memory' is an unstable machine that generates wildly contradictory images."

Menendez Brothers Found Guilty of Killing Parents (The New York Times, March 21, 1996, Kenneth B. Noble): Erik and Lyle Menendez were convicted on 3/20/96 of murdering their wealthy parents by shotgun blasts in 1989. On retrial, the Los Angeles Court jury found that they had committed multiple murder and had lain in wait for their victims. Because of these "special circumstances," the brothers may be subject to the death penalty under California law.

The original trial in 1994 ended with separate juries deadlocked and unable to choose between murder and manslaughter verdicts. The brothers depicted their father as tyrannical and sexually abusive. They admitted killing their parents but said they had acted in misguided self-defense, mistakenly fearing their parents would kill them after years of abuse.

Early in the twenty-week-long retrial, Judge Weisberg ruled that the defense had shown insufficient evidence that the brothers had been sexually and psychologically abused by their father and had killed out of duress and fear. Hoping to reduce the brothers' culpability, defense lawyers had argued that because of the prolonged nature of their suffering, their fear of attack was genuine, even if there was no real threat. But citing a legal footnote from a recent State Supreme Court decision, Judge Weisberg found that the argument did not apply because the brothers, not the parents, initiated the final physical confrontation.

Souza Appeal Held January, 1996: A Massachusetts Appeals Court held a 30-minute hearing, 1/22/96, on the second appeal raised by attorney Daniel R. Williams on behalf of Ray and Shirley Souza. Williams argued that their convictions should be overturned because the child witnesses against the Souzas were seated in such a way that eye contact could not be made. Williams argued that by seating the children so that the defendants could see only the profile or back of the head of their accusers did not satisfy the defendants' rights to "face to face confrontation" under state law. The Souzas had been convicted in 1993 of sexual assault of their young grandchildren and have been under house arrest since Feb. 1993. If successful, the Souzas will be granted a new trial. If the appeal fails, the

Souzas may appeal to the state Supreme Court. If that fails they will most likely begin to serve their nine to 15-year sentences.

Ingram Clemency Hearing Scheduled: A clemency hearing for Paul Ingram before a panel chosen by the Washington state governor is scheduled for June 4th, 1996. Mr. Ingram is asking for his sentence to be overturned by Washington Gov. Mike Lowry, or for a special counsel to look into reopening the case. Mr. Ingram was accused of molesting his two daughters, age 22 and 18, and sentenced to 20 years in 1988. Richard Ofshe worked on the Ingram case and says that Ingram is innocent and is the victim of his confused daughters attention seeking, wrong-headed police work, brainwashing by his minister, and delusional self-hypnosis.

Six Formerly Accused Individuals File Claims against State Agencies in Wenatchee: Six people who had been arrested and charged with child sex abuse in the Wenatchee area filed claims in mid-February against state and local agencies. The suits, filed in U.S. District Court in Spokane ask for \$80 million in damages for civil rights violations. They say they were innocent victims of a witch hunt and that child welfare authorities "maintained a system of investigating child abuse allegations resulting in constitutional deprivations of those accused."

The Robersons, an East Wenatchee minister and his wife, are going to court to prove they were wrongly charged with sexually abusing children in their church and home. A jury acquitted the Robersons on all charges on December 11, 1995. Joining the Robersons' claim is Honnah Sims, a Sunday school teacher at the church who was acquitted of molesting children by a jury last summer. Three other people who faced charges also filed claims this week: Donna Rodriguez and Karen Lopez, who had charges against them dismissed, and Susan Everett, who pleaded guilty to a misdemeanor in exchange for dismissal of felony charges. Attorney for the Plaintiffs in this suit is Robert Van Siclen, who had successfully defended the Robersons.

The U.S. Justice Department decided recently that it would not intervene in the case. Attorney Van Siclen, stated in an interview that the Justice Department did not thoroughly investigate before deciding whether to intervene

vene.

Jennifer Wilcox Charges Overturned And New Trial Ordered State of Ohio v. Wilcox and State of Ohio v. Aldridge, Court of Common Pleas, Montgomery Co., Ohio, Case No. 84-CR-1594

The convictions of a couple serving the 11th year of life sentences on child molestation charges were thrown out, 3/7/96, and new trials ordered. A hearing was held on February 13, 1996 upon Petition to Vacate or set aside their respective sentences. Robert Aldridge, 31, and Jennifer Wilcox, 35, had asked that their convictions be thrown out after three of the six children who testified against them in 1985 recanted their testimony in 1994. Judge Richard Parrott concluded that the Dayton couple did not get a fair trial because evidence favorable to them was not disclosed

by the government. Although the State was aware prior to trial of medical examination which showed no evidence of penetration, the defendants were not advised of either the Withholding impeaching examination or its results. evidence constitutes a constitutional error if it deprives the defendant of a fair trial and undermines confidence in the outcome of the trial. The judge said he could not say whether the recantations alone would warrant throwing out the convictions. However the judge wrote, "Based upon the recantation of the various important victim witnesses, coupled with the additional evidence adduced which confirms that the witnesses are now telling the truth, the Court finds that the witnesses are now truthful, and that there is a strong probability of a different result at trial....The Court further finds that the violation of the Petitioner's constitutional rights, so pervaded the original prosecution and trial that the convictions of each of the Petitioners, on all counts tried at the original trial should be vacated and set aside." A new trial is granted.

Testimony at the hearing by Drs. Elizabeth Loftus and Melvin Guyer described evidence that false memories had been created. Dr. Guyer noted that no recordings or written notes were made during the child interviews, which were done repeatedly, resulting in wildly changing stories. Defense attorney was Jay Milano of Cleveland.

Jury Clears Teacher in Civil Rights Suit: Pennsylvania Case stems from recanted sex abuse charges against girl's parents in 1992.

A U.S. District court jury ruled (3/13/96) that a Senior High School teacher did not violate the civil rights of a 15-year-old student's parents, who claimed that the teacher manipulated their daughter into accusing them of bizarre sexual abuse in 1991 and was instrumental in having her removed from the family home.

In 1990, high school student Nicole Althaus was troubled about her mother's ordeal with breast cancer. Nicole's world cultures teacher, Priscilla Zappa, became her confident in the autumn of 1990. The Althauses and their attorney Charles Scarlata claimed that Zappa tried to work out issues from her own childhood through Nicole, telling Nicole that she couldn't be so upset just due her mother's illness. The Althauses contend that Zappa helped to plant in Nicole's mind the idea she had been abused. Nicole testified that Zappa was the first person to suggest to her that she had been abused by her parents, that she frequently discussed abuse with Zappa and became dependent on Zappa. Nicole was removed from her home and lived in the foster care of Zappa. She eventually accused her parents and another family of ritualistic abuse, and criminal charges were brought. In April 1992, 14 months after Nicole had been placed in Zappa's home, She retracted the allegations and the charges were dropped.

The Althauses filed suit against Zappa in December 1992 and contend that Zappa violated their privacy and nearly destroyed their family. They claim Zappa violated their civil rights by using her position as teacher to unduly influence Nicole to make the charges against them.

Zappa claimed she was merely trying to help an impressionable student who began confiding in her. She

stated she acted as a teacher between 7:15AM and 3:30PM each weekday but as a friend or foster parent at all other times.

Judge Gary Lancaster's charge to the jury specified a very narrow criterion to be met in order to find Zappa guilty of civil rights violation: First the jury had to decide whether Zappa was acting "under color of state law," i.e., in her official capacity as a teacher and state employee when she allegedly influenced Nicole to make the abuse accusations. Lancaster instructed the jury that anything Zappa allegedly did in her roles as "foster parent" or "friend" was not considered to be "under color of state law." Lancaster further instructed the jury that if it determined Zappa wasn't acting "under color of law," even if her actions led to Nicole's removal from the Althaus home, Zappa's actions were not a civil rights violation and the jury must rule in Zappa's favor. The jury apparently found that Zappa had not acted in her capacity as a teacher and state employee and therefore did not have to answer the second question: whether Zappa had intentionally misled Nicole to get her away from her parents and into Zappa's custody.

The Althauses may appeal the verdict. If they do, pretrial rulings could also be appealed. One pretrial ruling on 2/21/96 dismissed Nicole's claim against Zappa. Other rulings released other defendants including the police, the school district, the District Attorney and Children and Youth Services.

In 1994, a suit filed by the Althauses against their daughter's treating therapist and a clinic ended with a verdict against Dr. Judith Cohen and Western Institute and Clinic. The Althauses were awarded \$272, 232 in compensatory damages.

ARTICLES RECENTLY ADDED TO FMSF BIBLIOGRAPHY

#395 Kihlstrom, J. \$2.00

"The Trauma-Memory Argument". Consciousness & Cognition. Vol 4, Nos 5/6 1995 Concludes that available scientific evidence is too weak to support global assertions about trauma and memory, amnesia and recovery, and the like. Discusses 3 studies on amnesia for childhood trauma.

#397 Lindsay, S.D. & Read, J.D. \$4.50
"Memory Work' and Recovered Memories of Childhood Sexual Abuse:
Scientific Evidence and Public, Professional, and Personal Issues". Psychology, Public Policy, and Law, Vol 1, No 1 1995 A review and critical evaluation of scientific evidence regarding "recovered memories" of childhood sexual abuse. Offers recommendations for training of therapists, guidelines, and legislative actions.

519 Slovenko, R. \$1.50
"Assessing Competency to Stand Trial". Psychiatric Annals. Vol 25, No
7 July, 1995 Concludes that if a defendant is capable of meeting the
articulated requirements for competence, the presence or absence of
mental illness is irrelevant.

#580 Perry, C. \$3.00
"The False Memory Syndrome and 'Disguised' Hypnosis". Hypnos. 1995
Addresses some of the controversial issues associated with FMS, in particular the role of other "forms" of hypnosis in eliciting false mamories, such as guided imagery, "relaxation", dream analysis, regression work and sodium amytal.

#612 Howe, M. et al. \$4.50 "How Can I remember When 'I' Wasn't There: Long-Term Retention of Traumatic Experiences and Emergence of the Cognitive Self". Consciousness and Cognition. Vol 3, Nos 3/4 1994 Focuses on the nature and onset of very early personal memories for traumatic events, Refers to 25 cases of young children's long-term retention of early traumatic events involving emergency room treatment.

SUMMARY OF CASES INVOLVING THE SCIENTIFIC STATUS OF REPRESSED MEMORIES APRIL 1, 1996

#836 <u>State of New Hampshire v. Hungerford, Superior Court, Hillsborough County, New Hampshire, Case No. 94-S-045 thru 94-S-047, May 23, 1995</u>

After a <u>Frye/Daubert</u> hearing and a thorough factual review, Judge Groff concluded that repressed memory testimony is not sufficiently reliable under <u>Frye</u> or Rule 702 to be admitted as evidence. The Court finds that the testimony of the victims as to their memory of the assaults shall not be admitted at trial because the phenomenon of memory repression, and the process of therapy used in these cases to recover memories, have not gained general acceptance in the field of psychology; and are not scientifically reliable." Additional filings from this case can be ordered as Brief Bank #10. [\$3.50]

#837 Lemmerman v. Fealk, Williford v. Bleske, Michigan Supreme Court, 532 N.W.2d 695, July 5, 1995

The Michigan Supreme Court held that neither the discovery rule nor the disability statute extends the limitations period for tort actions allegedly delayed because of repression of memory of assaults. The Court held that "while it is proper to apply the discovery rule in cases in which the objective nature of the evidence makes it substantially certain that the facts can be fairly determined, even though considerable time has passed since the alleged events occurred, such circumstances do not exist where a plaintiff brings an action based solely on an alleged recollection of events that were repressed and there is no means of independently verifying the allegations in whole or in part. Placing a plaintiff in a discretionary position to allege the onset of the disability or repressed memory and the termination of that condition within an applicable grace period would vitiate the statute of limitations as a defense....It cannot be concluded with any reasonable degree of confidence that factfinders could fairly and reliably resolve the questions before them, given the state of the art regarding repressed memory and the absence of objective verification." Additional filings may be ordered as Brief Bank #39.

#838 Hunter v. Brown, Tenn. App. LEXIS 95, 1996 WL 57944, February 13, 1996.

In this case of first impression, the Tennessee Court of Appeals declined to apply the discovery rule to toll the statute of limitations in "repressed memory" cases. The Court noted that the "inherent lack of verifiable and objective evidence in these cases distinguishes them from cases in which Tennessee courts have applied the discovery rule" previously. "We find that there is simply too much indecision in the scientific community as to the credibility of repressed memory." [\$2.00]

#839 Dairymple v. Brown, Superior Court of Pennsylvania, 1628 Philadelphia 1995 (J.A52010/1995) February 21,1996.

The Superior Court of Pennsylvania concludes that the "discovery rule" does not operate to toll the statute of limitations when plaintiff claims psychological repression of alleged sexual abuse. The court held that in applying the discovery rule, the objective standard of "reasonable diligence" is to apply. [\$2.00]

#840 S.V., v. R.V., Supreme Court of Texas, 1996 Tex. LEXIS 30, March 14, 1996.

The Texas Supreme Court held that in order to apply the discovery rule to any set of facts, including repressed memory claims, the wrongful event must have been "inherently undiscoverable" and the event and injury must be "objectively verifiable." The court assumed without deciding that Plaintiff could satisfy the inherent undiscoverability element but found that "there is no physical or other evidence in this case to satisfy the element of objective verifiability for application of the discovery rule...The discovery rule is an exception, and a narrow one at that....Because Plaintiff relies on the discovery rule, the evidence must rise to a higher level of proof." The Court held that the discovery rule did not apply.

[\$5.00]

BB#58 Doe, Roe v. Maskell, et.al., Circuit Court, Baltimore City, Maryland, Case No 94-236030-1/CL185155-6, May 5, 1995 After a week-long evidentiary hearing, Judge Hilary Captan dismissed the suits and concluded that the claims did not meet the test of the discovery rule not was testimony regarding repressed memory found to be of sufficient scientific reliability under Reed/Frve or Daubert. [\$29.50]

B8#63 Engstrom v. Engstrom, Superior Court, Los Angeles Co., California, Case No. VC016157, October 11, 1995.

Judge James M. Sutton granted a motion to exclude the testimony of plaintiff and his witnesses, including expert witnesses, regarding "repressed memories," "repression" or "dissociation", finding that "the phenomenon of 'memory repressions' is not generally accepted as valid and reliable by a respectable majority of the pertinent scientific community and that the techniques and procedures utilized in the retrieval process have not gained general acceptance in the field of psychology or psychiatry." Testimony proffered by plaintiff and his expert witnesses was not found to meet the standard required under <u>Kelly/Frye</u>. A judgment of non-suit followed this ruling.

BB#82 Barrett v. Hyldburg, Superior Court, Buncombe Co., North Carolina, Case No. 94-CVS-0793, January 23, 1996.

Judge Ronald Bogle granted defense motion to exclude all evidence derived from alleged repressed memories and left the order open for such additional findings of fact as may be appropriate. "[T]his court is of the opinion, considering all of the evidence that has been presented, the arguments of counsel, the scientific evidence, the deposition evidence, the case law, and the matters contained in the file, that the evidence sought to be introduced is not reliable and should not be received into evidence in this trial." The suit was dismissed following granting of motion to exclude. [\$12.50]

When bad men combine, the good must associate; else they will fall one by one, an unpitied sacrifice in a contemptible struggle. Edmund Burke

Thoughts on the Cause of the Present Discontent Vol. i. p. 526.

MAKE A DIFFERENCE

This is a column that will let you know what people are doing to counteract the harm done by FMS. Remember that four years ago, FMSF didn't exist. A group of 50 or so people found each other and today more than 17,000 have reported similar experiences. Together we have made a difference. How did this happen?

California - We had a very successful seminar on March 9th with about 90 people in attendance. We invited Paul Simpson, Mark Pendergrast and Eleanor Goldstein as speakers. A reporter came and wrote an article for the Santa Barbara paper about the meeting and efforts at reconciliation made by Dr. Simpson. While these people were in our city, we arranged some book signings for them. These resulted in some excellent discussion. We also arranged a meeting for Dr. Simpson with the Chair of Psychology at a local college and spoke to three classes. It appears that the college will arrange a seminar on the topic of false memories as a result.

Families can do a tremendous amount to help educate the public and professionals about the problems of false memories.

Missouri - We listen to radio a lot! Anytime anything is mentioned that touches on False Memory Syndrome (Mental Health Cost, Mental Health, Women's Issues, Satanic Ritual Abuse, Child Sexual Abuse, Multiple Personality Disorder) we call and try to make a connection and give the FMSF phone number on the air.

Texas - After hearing about the \$2.5 million award settlement (January 24, 1996, <u>Humenansky v E. Carlson</u> in Minneapolis, MN) I made copies and sent them to the Law School in our area. I specifically sent them to the professor who teaches the medical malpractice course. I also sent some brief information on our personal situation. He called me and we had a nice visit on the phone. He suggested that I come to his class and tell my story. I am planning on sending material on the Souza's and K. Michaels' case to the professor who teachers appeals. Maybe he will call me too.

Utah - In March our local FMS Group had a wonderful time with Eleanor Goldstein and Elizabeth Carlson in town. We thank them for coming. We had about 72 people present

to hear these ladies' stories and counsel. Having Eleanor and Elizabeth in town enabled us to get them and the FMS story on two radio talk shows, a TV news program, a newspaper story and meeting with some legislators. In all of these instances, there was much greater knowledge, acceptance, and understanding than

FREE LIBRARY DISPLAYS are now available through SIRS Publishers. Call 1-800-232-7477. This is an attractive and positive way to inform people about the many new books that are now available about false memories and the devastating effects this is having on families.

just two years ago. Yet we must not relax. From this week's effort, we received 8 or 10 contacts from people affected by the FMS phenomena who did not know of the existence of any FMS groups, either national or local. We are glad they found us and the information we have, but we are again saddened that such information and comfort are necessary.

Vermont - I wrote to the Attorney General of our state, expressing my concerns about all the families who are afraid of lawsuits based on claims of recovered memories. I included a packet of information with my letter. The reply I received was very encouraging. The Attorney General said that he hoped he could alleviate the fear because "The cases of child sexual abuse brought by the Child Protection Unit of the Office of Attorney General neither would not can be brought without a sufficient evidentiary foundation." We are arranging to meet.

Wisconsin - Our local newspaper has gone through a change of ownership and thus a new format. They have a new Health Section and are asking for ideas. When I called and spoke to the lead writer, she was very interested and asked for some information. I sent the Most Frequently Asked Questions brochure and a tape on False Memory Syndrome. The reporter called me back and is interested in doing an article.

You can make a difference. Please send me any ideas that you have had that were or might be successful so that we can tell others. Write to Katie Spanuello c/o FMSF.

MAKE A DIFFERENCE TO THE FMSF BUSINESS OFFICE

Whenever you send us a check, money order, or a credit card charge, please, PLEASE tell us what the money is for, otherwise we will assume it is a donation. Is it to renew your membership dues? Is it for the purchase of an article? Is it a donation? Is it for a newsletter subscription?

Always be sure to include:

Ňame

Address

Is this a new address? ___ yes ___ no

Phone

and if the payment is by Visa or MasterCard:

What is your card number?

What is the card's expiration date?

How much do you want us to charge your card?

ADDRESS CHANGES

We must have your address change notice one month before you move. Newsletter labels are printed at the beginning of each month, and we must have your address change notice before then if we are to mail your newsletter to the correct address.

FROM OUR READERS

RECONCILIATION EFFORTS

My therapist and I recently met with my daughter and her therapist. I was nervous about the meeting and had talked with several FMSF friends for encouragement including some of the FMSF staff. My initial meeting with my with my daughter and her therapist had been a night-mare. Having my therapist with me this time had a very helpful effect. My daughter's therapist was objective and had a good attitude. My daughter stated during the meeting that she wasn't sure, but she could have been wrong about her original accusation. I would encourage all parents accused to take their own therapist with them when they meet with their daughter's therapist. I'm hopeful and I'm thankful for FMS.

A HAPPY ENDING

This letter closes the record in my case. Fortunately, it has a happy ending. Last month when my accusing daughter visited she left me a picture that she had drawn. I read the picture daily. It says, "Thank you, For holding me on your lap, safe in my little house, For staying up all night trying to save my bunny, For rubbing my back when I was afraid to go to sleep, For helping me to go to college, For endless bike rides, For drying my eyes, For hearing my cries, For loving me when I didn't love myself, For forgiving me, For loving me through my anger, my fears, my pain. You have shown me what it is to truly care for another, You have shown me how to love. For you I am ever grateful. In my heart forever, Dad."

I hope this happy ending is an inspiration to you in your hard work on this incredible evil. You and the Board and the volunteers and staff are performing an extremely valuable service. The newsletter is important to us falsely accused persons, for it helps us to hang on to reality. I am sure it has saved many lives. I am ever grateful to FMSF.

A Dad

THE TRUTH SHALL SET YOU FREE

I am writing to share that, though it still seems too good to be true, my daughter talked to me last fall in September, begged my forgiveness and claimed her aberrant behavior was caused by a therapist she saw for several years.

Now we talk weekly and unlike many of your readers, I discuss her accusations when it seems appropriate. I feel, that to not do so, would not only be dishonest on my part, (it would be like silently admitting what she said was true), it would also deny her the opportunity to divest herself of guilt feelings.

I somewhat doubt I will ever again fully trust this daughter but I am enjoying hearing from her lips many things I myself have said in the past. She tells me all her anger was misdirected towards me because I was the safest one to be angry with as I'd love her regardless of what she said or did.

This daughter was quite religious when young and I

used to wonder how she reconciled what she was doing to the commandment to "Honor your Mother and your Father." Now she tells me how she eventually came under conviction that she was in great error not to uphold that commandment.

And she talks of hearing about something called "false memory syndrome." Can you believe it? Just hearing about such a syndrome introduced to her the idea that her "memories" might be false! Hallelujah! Tis True, that the truth shall set you free and your organizations being bold enough, flying in the face of currently popular untruth, does free people! Even accusers! Thank you for all you are doing.

A Mom

WHAT FMS DID TO OUR FAMILY

About 3 1/2 years ago our daughter went for counseling help. Soon she told us she could have no contact and not much later, her four brothers called crying and upset because of the accusations made against them. There were some things in our family that were not good, but she accused them of things that were not true. About a year later, she asked my husband and me to travel 12 hours and meet with her to help her resolve her problems. We asked to have the meeting with her counselor but that was not possible. Because we loved her and wanted so much to help restore her to the family again, we went.

She had a stack of cards from which she read her accusations. When it ended and we went to our motel room I was crying and very upset. My husband was very calm, but all of this sent him into a mental illness. He has never been the same since. He continued his work as a research scientist for 2 years and then was forced to retire. He has now left me and is a cowboy, hardly able to function at times. I used the principles I have learned from your organization and I am now on good terms with my daughter and she has made amends with her brothers. We have tried desperately to reach my husband, but cannot. Perhaps he already had some trouble with mental illness before which we did not recognize.

MEETING WITH NO CONDITIONS

I can't tell you how grateful I am to you and the FMS Foundation for giving me the kind of help and encouragement which has enabled me to keep hoping and praying for a happy ending to this tragedy. About 9 months ago, my daughter wrote a letter to her father telling him she was sorry for the pain she had caused him. But in the ensuing months, she has pretty much ignored him, failing to remember Father's Day or his birthday. She even changed her maiden name and took my maiden name. Two months ago she asked to come home and talk to her Dad but he refused to see her until she assumed her own maiden name. She refused to do this. I spelled out my own feelings about her lack of sincerity about putting the family back together again. This offended her and she sent me a registered letter saying I didn't understand at all. Her Dad decided to write and this prompted a card back to him saying she wanted to talk but without any condition. He agreed and I agreed so

we will meet in a few weeks to try to start the healing of our family.

MEDIATION

I've been visiting with my son since last June. We hadn't seen each other in three years. We have been meeting with a mediator who is a MFCC. It's been progressing slowly, but it is progressing. The best part is we recently received a note from him that began with the greeting, "Dear Mom and Dad" and signed "Love." To put it mildly, we were thrilled. I hope that he and his dad make the big plunge soon.

A Mom

TRYING TO UNDERSTAND

A few days ago, my daughter (29) and I finally had our talk about the events leading up to her experience with recovered memories. She had had a number of traumatic experiences while in college and she had a friend who had been sexually abused. Drugs were never an issue. About three years ago, the young man who lived next door to her was arrested on pedophile charges. That is when she read Courage to Heal.

She never completely broke contact with us. She did read my letters. Her turning away from her memories was a process that started about a year before she came home. It was a gradual process. She began to tire of her incest survivor group. She concluded that one should not stay there forever and that enough was enough. She tried a wide range of new age healing and inspirational activities, but did not find great satisfaction. She was ready for a change and went on a vacation trip to a distant place. This trip away helped the process.

She returned home for a brief visit last spring. At that time she acknowledged that neither her mother nor I have ever done anything to her overtly. That was over 9 months ago and she is still here. In our recent conversation, she reaffirmed that. When I asked her about the rape memory, it almost seemed as though she did not remember it other than in terms of vague feelings. When pressed to say that she knew that nothing inappropriate ever happened, she said that she could not honestly say that. She still thinks that maybe in a previous life, I did something to her.

We are deeply grateful for the work of the FMS Foundation and the many new and old friends that have been so supportive to us and have worked to eradicate this terrible menace of "recovered memories."

A Dad

NOT READY TO ACCEPT

Dear Father,

I hope you are well. I wish to renew our relationship if that is possible and something that you want also. For myself, I am done with the past and have no further need to speak of it or do anything about it. I have had a hard journey these last two years, as we all have. And for me it's over.

There are large differences between us -- some perhaps unresolvable. And there have always been differences. At the same time, you are my father and I care about you --

very deeply. I have missed you. It is my hope that at some point in time we can see each other again.

The way that I can see that happening is if we can both set our differences aside and reach in love to heal the hurts between us. I only want to walk with you and see the fruit trees again. If this is something that you want also, please let me know. I will be leaving for Europe again soon. In Peace and love "B"

Father's comment to the letter above: "I feel I can only take her back if she will at least give some. Not a Christian attitude and my conscience hurts, but my feelings are hurt—worse from the damage she has done to our younger son. It broke his marriage. My daughter treated my wife despicably with a nasty letter accusing her of condoning my supposed actions. My wife ignored the slurs and continues her contact saying, "I know it's not so, but that's where she is at present, and she needs help." I can't! I'm sorry. What do I do?

A Dad

GRATEFUL

We would like other families who have been hurt by FMS to know there is hope. On Thanksgiving Day as I prepared dinner, the phone rang with a call that we waited for nearly four years. In a voice I hardly recognized I heard, "Hi Mom, I miss you. I love you."

It was wonderful to have a conversation with our daughter. We talked about what had been going on in our lives while we were apart. She told about her husband, whom we haven't met. It was just like it used to be. Like many of the others, we never mentioned the accusations. She talked with her father also and told him she loved him. She said, "We'll start like this. I'll call on holidays."

Although it is on her terms now, we accept with gratitude to God that we hear from her again. We don't understand how she could go from writing in a national magazine that she is recovering from the "horrible things" her father did to her as a child to saying "I love you, and, mom and dad, I never doubted that you loved me."

At Christmas we had another similar phone call and a promise that she would call again. It's not over yet, but our hearts are no longer so heavy. We hope so much for all this hurt to be over for the FMS families.

Thank you so much FMS Foundation for being there for us when we needed you. A Grateful Mom and Dad.

CONCERNED CITIZEN

I got the name and address of your organization from an article that appeared recently in the paper. I thought you might be interested in the recent experience I had with a therapy group.

A a single person who avidly participates in life, I called for information in response to an ad for a weekend workshop called "Keeping the love you find." The person with whom I spoke on the phone convinced me that this workshop would be of benefit to me in my life as a single.

Thirty minutes into the first day's session, I realized that this was not what I expected. The opening hours were

spent with each person introducing themselves. This was followed by an outpouring of emotion like I have never seen. Everyone was told to close their eyes and envision their childhood with the suggestion that their childhood had experiences that were unbearable. Two thirds of those present started crying, many openly sobbing.

This continued the entire day. This letter would be too lengthy to describe the entire time unless you want further information. People offered to express terrible things that happened to them in the past. Volunteers were asked to come forward (which they did) and demonstrate a role-play situation which the entire group was to duplicate. More

emotion and crying.

The only reason I returned the next day was to talk personally with the director. She was abrupt, obviously did not like what I said and convinced me to stay in the class. She

said the format for the second day was different.

I remained. The first order of business was an introduction to five other therapists who were present, their location and phone numbers. These therapists were the "leaders" in each role-play group. I confirmed with one, that they were indeed volunteering their time with the expectation of getting business. This day continued with closed eyes and imaging childhood experiences and role-playing. There was little time devoted to any constructive teaching.

"Suppress" was the word of the day. When I could not express a childhood abuse, when I stated that I was not afraid, I was continually told that I was suppressing these. The entire two days was a therapy session or a stimulation to have the participants believe they needed therapy. For

this I paid \$300!

MAYBE WE WON'T SEE HER AGAIN

Just before this last Christmas, we received a letter from our long lost daughter, addressed to my wife and myself using our formal first names, not as Mom and Dad. It had been over four years since the break in our relationship, when her recovered memories induced her to cut her family out of her life. The letter made no mention of her allegations of parental childhood sexual abuse but did include the following statement:

"The last five years of no communication with you were necessary for me. I would like to re-establish contact

with you and start over as friends",

After a great deal of thought and discussion, this was our response: "....if you still believe that we sexually abused you as a child, there isn't much hope of establishing a

friendship..."

We did not want to shut the door, but made it clear that we could not take her back into the fold without a retraction and some discussion of her devastating allegations. This starting point, based upon a feeling of mutual trust, is necessary for us to rebuild a normal, healthy relationship. It would be most uncomfortable for ail of us to pretend it never happened. Our other daughter and son are in agreement.

We don't know if we will hear from her again.

A Mom and Dad

OUR DAUGHTER'S RETURN FROM FMS

Three years ago, my 29-year-old married daughter called me from the city in which she had been living for 6 years to tell me she had finally figured out why she was having the awful dreams and feelings that she had been struggling with for the past 6 months. She told me that, after talking with a therapist and reading The Courage to Heal, she was certain that her dreams and dark urges to brutalize her 2-year-old daughter were due to her having been sexually abused as a child between the ages of 2 and 4.

When I asked her who could have done such a thing, she said she had a vague recollection of me, her father, doing strange things to her at night in her bedroom. She went on to say that unless I admitted my actions, she didn't want to talk to be again. Our daughter then proceeded to tell her brothers and sisters of her "discovery." My wife and I and our other children ages, 34, 31 and 27 were in a state of

shock.

My wife and I knew a therapist who had given talks at our church and I went to see him for advice. Luckily for me, he had read the book *Confabulations* and he gave me a copy. The book gave me a quick understanding of what my family and I were up against. It helped me formulate a talk that I had with each of my children and their spouses.

Our family unit was stronger than the false memories of my daughter but I also know that my children were in a kind of limbo not really knowing what had happened in those early years of their lives. They did not want to offend their sister-in-crisis nor to seem that they were taking her side against me. Our daughter maintained contact with a sis-

ter-in-law.

Over the next two and a half years, my daughter slowly went downhill emotionally and financially. She stopped talking to my wife because she stopped sending her money to pay for a therapy that was trying to separate our daughter from her family. My daughter was admitted to a psychiatric hospital numerous times. On one occasion she overdosed on medication. Our daughter was then diagnosed with Multiple Personality Disorder, her marriage fell apart and a custody battle for her 4-year-old daughter started.

Some months later, our daughter called us and asked if we would speak to her doctor so that she could be discharged from the hospital. The doctor told us we should meet with him and her therapist. The doctor decided we should not rehash the sexual abuse issue but try to come together on common ground. We listened to her complaints

and did not walk out. Our daughter was released.

One month later, our daughter came to visit for a weekend. It was a wonderful although strained reunion. She promised to come again and bring our granddaughter who now lives with her father. We are looking forward to that visit.

Losing our daughter through false memory was like having a child die without the closure of a funeral. But for us and, hopefully, others, there is hope of reconciliation. We believe our prayers had a lot to do with our daughter's return to family and health.

A Dad

APRIL 1996 **FMSF MEETINGS**

FAMILIES, RETRACTORS & PROFESSIONALS WORKING TOGETHER

key: (MO)=monthly; (bi-MO)=bi-monthly; (*)=see State Meetings list

CALL PERSONS LISTED FOR INFO & REGISTRATION

STATE MEETINGS

INDIANA

Saturday, April 27 @ 9am-4pm speakers: Pam Freyd, Ph.D.; Barbara Skees, psychiatric nurse; Karen, retractor Nickie 317-471-0922, 334-9839(fax) or Pat 219-482-2847

> WEST VIRGINIA Saturday, May 4 @10am-4pm Bonanza Steak House in Weston Liz (304) 269-5871

MINNESOTA

Saturday, May 4 @9am-2:30pm Ft. Snelling Officers Club, St. Paul Speaker: Pam Freyd, Ph.D. Dan & Joan (612) 631-2247

NEW MEXICO Saturday, May 11 @1pm speaker: Donald Tashijan, MD, PAPA Maggie 505-662-7521 (after 6:30pm)

PA, NJ & DE

Saturday, May 18- Guest Quarters Hotel Chesterbrook Bivd. Wayne, PA Guest speakers/Panel discussion Jim & Jo (610) 783-0396 or Lee & Sally (609) 967-7812

ONTARIO, CANADA Saturday, May 25 Speakers: Dr. E. Loftus & A. Gold, Esq. call Ontario contacts for further info

UNITED STATES

ARIZONA - (bi-MO)

Barbara (602) 924-0975; 854-0404(fax)

ARKANSAS - LITTLE ROCK Al & Lela (501) 363-4368

CALIFORNIA

NORTHERN CALIFORNIA SACRAMENTO-(quarterly)

Joanne & Gerald (916) 933-3655 or

Rudy (916)443-4041 SAN FRANCISCO & NORTH BAY (bi-MO)

Gideon (415) 389-0254 or

Charles 984-6626(am);435-9618(pm) EAST BAY AREA (bi-MO)

Judy (510) 254-2605

SOUTH BAY AREA Last Sat. (bi-MO) Jack & Pat (408) 425-1430

CENTRAL COAST - Carole (805) 967-8058

SOUTHERN CALIFORNIA

BURBANK -4th Sat. (MO) @ 10am

Jane & Mark (805) 947-4376 CENT. ORANGE CNTY. 1st Fri. (MO) @ 7pm

Chris & Alan (714) 733-2925 ORANGE COUNTY -3rd Sun. (MO) @6pm

Jerry & Eileen (714) 494-9704 COVINA AREA -1st Mon. (MO) @7:30pm

Floyd & Libby (818) 330-2321 SOUTH BAY AREA -3rd Sat.. (bi-MO) @10am

Cecilia (310) 545-6064

COLORADO -DENVER-4th Sat. (MO) @ 1pm Ruth (303) 757-3622

CONNECTICUT - New HAVEN

Earl 329-8365 or Paul 458-9173

FLORIDA

DADE/Broward Madeline (305) 966-4FMS BOCA/DELRAY 2nd&4th Thurs(MO) @1pm Helen (407) 498-8684

TAMPA BAY AREA

Bob & Janet (813) 856-7091

ILLINOIS - 3nd Sun. (MO) Eileen (708)980-7693

INDIANA INDIANA FRIENDS OF FMS Nickie (317)471-0922(ph);334-9839(fax) Pat (219) 482-2847 (*)

IOWA -DES MOINES

Betty & Gayle (515) 270-6976 2nd Sat. (MO) @11:30am Lunch

KANSAS -KANSAS CITY

Leslie (913) 235-0602 or Pat 738-4840 Jan (816) 931-1340

KENTUCKY

LEXINGTON- Dixie (606) 356-9309 LOUISVILLE-Last Sun. (MO) @ 2pm Bob (502) 957-2378

LOUISIANA- Francine (318) 457-2022

MAINE - Area Code 207

BANGOR -Irvine & Arlene 942-8473 FREEPORT -4rd Sun. (MO) Wally 865-4044

MARYLAND -ELLICOT CITY AREA Margie (410) 750-8694

MASSACHUSETTS/NEW ENGLAND

CHELMSFORD- Ron (508) 250-9756

MICHIGAN-GRAND RAPIDS AREA-

JENISON -1 st Mon. (MO) Catherine (616) 363-1354

MINNESOTA (*)

Terry & Collette (507) 642-3630 Dan & Joan (612) 631-2247

MISSOURI

KANSAS CITY 2nd Sun. (MO)

Leslie (913) 235-0602 or Pat 738-4840 Jan (816) 931-1340

ST. LOUIS AREA-3rd Sun. (MO)- AREA CODE 314 Karen 432-8789 or Mae 837-1976

SPRINGFIELD - 4th Sat (MO) @12:30pm Dorothy & Pete (417) 882-1821 Howard (417) 865-6097

NEW JERSEY (So.) SEE WAYNE, PA

NEW MEXICO- AREA CODE 505 Maggie 662-7521 (after 6:30pm) or Martha 624-0225

NEW YORK

DOWNSTATE NY-WESTCHESTER, ROCKLAND, ETC. Barbara (914) 761-3627 (bi-MO)

UPSTATE/ALBANY AREA (bi-MO) Elaine (518) 399-5749

WESTERN/ROCHESTER AREA (bi-MO) George & Eileen (716) 586-7942

OKLAHOMA -OKLAHOMA CITY AREA CODE 405

Len 364-4063 Dee 942-0531 Rosemary 439-2459 HJ 755-3816

PENNSYLVANIA

HARRISBURG -Paul & Betty (717) 691-7660 PITTSBURGH - Rick & Renee (412) 563-5616 **WAYNE** (INCLUDES S. NJ)

Jim & Jo (610) 783-0396

TENNESSEE - Wed. (MO) @1pm Kate (615) 665-1160

TEXAS

CENTRAL TEXAS

Nancy & Jim (512) 478-8395 Houston Jo of Beverly (713) 464-8970

UTAH -April 27-Keith (801) 467-0669

VERMONT (bi-MO)Judith (802) 229-5154 WEST VIRGINIA Pat (304) 269-5871(*) WISCONSIN

Katie & Leo (414) 476-0285

INTERNATIONAL

BRITISH COLUMBIA, CANADA

VANCOUVER & MAINLAND

Ruth (604) 925-1539 Last Sat (MO) @1-4pm

VICTORIA & VANCOUVER ISLAND

John (604) 721-3219 3rd Tues. (MO) @7:30pm

ONTARIO. CANADA

LONDON -2nd Sun (bi-MO)

Adrian (519) 471-6338

OTTAWA -Eileen (613) 836-3294

Toronto /N. York-Pat (416) 444-9078

WARKWORTH - Ethel (705) 924-3546

Burlington - Ken & Marina (905) 637-6030

Subsury-Paula (705) 692-0600

QUEBEC, CANADA-MONTREAL Alain (514) 335-0863

AUSTRALIA - Mrs Irene Curtis P.O. Box 630, Sunbury, VCT 3419 phone (03) 9740 6930

ISRAEL FMS ASSOCIATION

fax-(972) 2-259282 or

F-mail- fms@netvision.net.il

NETHERLANDS -TASK FORCE FMS OF "OUDERS YOOR KINDEREN"

Mrs. Anna deJong (31) 20-693-5692

NEW ZEALAND

Mrs. Colleen Waugh (09) 416-7443

UNITED KINGDOM

THE BRITISH FALSE MEMORY SOCIETY Roger Scotford (44) 1225 868-682

May '96 Issue Deadline: April 19 Mark Fax or envelope: "Attn: Meeting Notice" & send 2 months before scheduled meeting.
YOU MUST BE A STATE CONTACT OR GROUP LEADER TO POST A NOTICE IN THIS

NEWSLETTER IF YOU ARE INTERESTED IN BECOMING A CONTACT, WRITE: MARIS MENIN STATE CONTACT COORDINATOR FMS Foundation 3401 Market Street, Suite 130 Philadelphia, PA 19104-3315 Phone 215-387-1865 ISSN # 1069-0484

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April 1, 1996

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